

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(RICHMOND DIVISION)**

TYREE JOHNSON,)	
)	
Plaintiff,)	Case No. <u>3:23cv00241</u>
)	
v.)	[Formerly Circuit Court of the City of
)	Richmond, Virginia - Case No.
)	CL22005367-00]
)	
SHENG LIU, QQ BUS LINE)	
CORPORATION and FLIXBUS, INC.)	
)	
Defendants.)	

NOTICE OF REMOVAL

COMES NOW Defendant, FLIXBUS, INC. (“FlixBus”), by and through counsel, Franklin & Prokopik, P.C., pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and hereby removes Case No. CL 22005367 from the Circuit Court of the City of Richmond, Virginia to the United States District Court for the Eastern District of Virginia (Richmond Division), and as grounds for its removal, provides the following short and plain statement:

1.

On December 6, 2022, Tyree Johnson (“Plaintiff”) filed a Complaint against Sheng Liu (“Liu”), QQ Bus Line Corporation (“QQ Bus”), and FlixBus in the Circuit Court of the City of Richmond, Virginia, Case No. 22005367. A copy of Plaintiff’s Complaint is attached hereto as **Exhibit 1.**

2.

Plaintiff’s lawsuit is based in Tort (alleged negligence-personal injury) and arises out of a motor vehicle accident that occurred on May 24, 2022, on southbound I-95, in Richmond,

Virginia. (See generally, Pl.'s Compl.).

3.

On March 15, 2023, FlixBus was served with Plaintiff's Complaint. FlixBus was the last served Defendant in the case.¹

4.

On March 30, 2023, FlixBus filed its Demurrer, Answer, and Affirmative Defenses to Plaintiff's Complaint. A copy of FlixBus' Demurrer, Answer, and Affirmative Defenses is attached hereto as **Exhibit 2**.

5.

This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332 because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different States. The facts supporting this Court's exercise of original jurisdiction under 28 U.S.C. § 1332 are as follows:

- (a) Plaintiff has demanded judgment against Liu, QQ Bus, and FlixBus, jointly and severally, for compensatory damages in the amount of \$125,000. (See Pl.'s Compl., *Ad Damnum*);
- (b) Plaintiff is a citizen of the Commonwealth of Virginia. (Id., ¶ 1);
- (c) Liu is a citizen of the State of New York. (Id., ¶ 2);
- (d) QQ Bus is a Massachusetts corporation, and its principal place of business is located in Hanover, Massachusetts. (Id., ¶ 3; See also MA SOC Annual Report attached hereto as **Exhibit 3**); and
- (e) Flixbus is a Delaware corporation, and its principal place of business is located in Dallas, Texas. (See VA SCC Annual Report attached hereto as **Exhibit 4**).

¹ Liu and QQ Bus filed their responsive pleading on February 17, 2023.

6.

In accordance with 28 U.S.C. § 1446(a), true and correct copies of “all process, pleadings, and orders” served upon FlixBus have been attached to this Notice of Removal.

7.

In accordance with 28 U.S.C. § 1446(b), this Notice of Removal has been filed within thirty (30) days of FlixBus’ receipt of service of Plaintiff’s Complaint.

8.

In accordance with 28 U.S.C. § 1446(b)(2)(A), the other Defendants joined and served in this action, Liu and QQ Bus, consent to its removal.

9.

Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) in that the USDC for the Eastern District of Virginia (Richmond Division) is the federal judicial district embracing the Circuit Court of the City of Richmond, Virginia where the action is pending.

10.

In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be promptly filed with the Clerk of the Circuit Court of the City of Richmond, Virginia and provided to all other parties’ counsel of record.

Respectfully submitted, this 11th day of April, 2023.

FLIXBUS, INC.

By Counsel

/s/

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal was electronically filed with the Clerk of Court using the CM/ECF system and was served *via* U.S. Mail, first-class, postage prepaid, on this 11th day of April, 2023, upon:

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/s/

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